PATENT COOPERATION TREATY

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From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)* see form PCT/ISA/210 (second sheet)	
Applicant's or agent's file reference see form PCT/ISA/220	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/IT2004/000313	27.05.2004	30.01.2004

International Patent Classification (IPC) or both national classification and IPC
A23L1/212, A23L2/04

Applicant
SIG TECHNOLOGY, LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:

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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was field, unless otherwise indicated under this item.

   ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material:

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material:

   ☐ in written format

   ☐ in computer readable form

   c. time of filing/furnishing:

   ☐ contained in the international application as filed.

   ☐ filed together with the international application in computer readable form.

   ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

Box No. II Priority

1. ☒ The following document has not been furnished:

   ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

   ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

   Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	3, 5
	No:	Claims	1, 2, 4, 6
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-6
Industrial applicability (IA)	Yes:	Claims	1-6
	No:	Claims	

2. Citations and explanations

see separate sheet

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SEPARATE SHEET)

International application No.
PCT/IT2004/000313

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

The following documents are referred to:

D1: US-A-3 083 634
D2: GB 868 973 A
D3: EP-A-0 850 572
D4: GB-A-1 197 807
D5: EP-A-0 888 718
D6: FR-A-2 638 064
D7: GB-A-1 339 939

V.1/ The present application does not meet the requirements of Article 33 PCT because the subject-matter of claims 1, 2, 4 and 6 is not new in the sense of Article 33(2) PCT.

Remark The feature 'stationing the heated product' of claim 1 is vague and unclear (Art. 6 PCT). Any heating step (in a tank or tube, cf. description p.6) is regarded as comprising a stationing step.

V.1.1/ The subject-matter of claims 1, 2 and 4 is not new over D1 (cf. fig.8; col.2, l.10-46; col.2, l.53 to col.3, l.49; col.3, l.56-66; col.4, l.6 to col.5, l.36), disclosing a process for making juice or puree wherein fruits are disintegrated (with optionally simultaneous refining) and heated, the obtained juice being recycled upstream of the disintegrator. In another embodiment, the refining step follows the heating step.

V.1.2/ The subject-matter of claims 1, 2 and 4 is not new over D2 (cf. figure; p.1, l.42-89; p.2, l.9 to p.3, l.31; p.3, l.78-103), disclosing a process for making fruit juice wherein fruits are shredded, the juice and pulp are heated and separated (extractor), the pulp obtained is refined and the refined juice is recycled to the heating step.

V.1.3/ The subject-matter of claims 1 and 4 is not new over D3 (cf. figures; col.1, l.1-8; col.3, l.50 to col.4, l.31) disclosing a process for making fruit puree wherein fruits are strained and refined, the refined pulp is heated and recycled to the heating step.

V.1.4/ The subject-matter of claims 1, 2 and 4 is not new over D4 (cf. p.2, l.66-129; example; figure), disclosing a process for making tomato juice wherein tomatoes are comminuted, heated and refined, the refined juice being recycled to the comminuting / heating step.

V.1.5/ The subject-matter of claims 1 and 6 is not new over D5 (cf. p.3, l.30-57) disclosing a process for making tomato products wherein fruits are chopped, heated and refined. D5 mentions that in conventional processes, the tomato residue can be incorporated into the chopped tomatoes.

V.1.6/ The subject-matter of claims 1 and 4 is not new over D6 (cf. figure 1; p.2, l.8 to p.3, l.30) disclosing a process for fruit puree or juice wherein fruits are chopped, heated and refined, the finished juice being introduced at the heating step.

V.1.7/ The subject-matter of claim 1 is not new over D7 (cf. figure; p.2, l.65-119) disclosing a process for making tomato pulp wherein fruits are chopped and heated, the heated product is recycled (stationing step) to the chopping stage, then refined.

V.2/ Dependent claims 3 and 5 do not appear to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step. Indeed, having regard to the claimed process and the prior art known from D1-D7, it is considered that the person skilled in the art would regard the process of the present invention as an obvious alternative to those known. Therefore, this process does not fulfill the requirements of Art.33(3) PCT.